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February 7, 2020

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**By ECF**

Honorable Barbara C. Moses  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: *Morgan Art Foundation Ltd. v. McKenzie*, No. 1:18-cv-4438-AT-BCM  
("Dckt 4438") and *Morgan Art Foundation Ltd. v. Brannan*,  
No. 1:18-cv-8231-AT-BCM ("Dckt 8231")**

Dear Judge Moses:

My firm represents James Brannan as Personal Representative to the Estate of Robert Indiana ("the Estate") in the actions referenced above.

I write jointly on behalf of the Estate and defendant Jamie L. Thomas to request an extension of the briefing schedule for the spoliation motion filed by the Morgan Parties (Morgan Art Foundation Ltd., Figure 5 Art LLC, Shearbrook (US) LLC, RI Catalogue Raisonne LLC, and Simon Salama-Caro) on January 29, 2020. The Morgan Parties consent to this extension.

By Order dated January 15, 2020 (Dckt. 4438, ECF No. 210; Dckt 8231 ECF No. 83), Your Honor gave the Morgan Parties the option to either reserve their spoliation motion until the close of fact discovery, or to file that motion by January 29, 2020, in which case opposition papers would be due by February 12, 2020, and reply papers, if any, would be due February 19, 2020. The Morgan Parties elected the latter and filed their motion papers on January 29, 2020 (Dckt. 4438, ECF No. 213; Dckt 8231, ECF No. 86).

In light of the serious nature of the sanctions sought by the Morgan Parties' motion, the Estate and Thomas request a three-week extension of their time to file their opposition papers, in part to allow them sufficient time to muster relevant evidence in an admissible form. The requested extension is also appropriate in light of the appearance of new counsel for Thomas on February 5, 2020 (Dckt. 4438, ECF Nos. 216 and 217).

The Morgan Parties consent to this extension on the condition that they be granted an additional week to file their reply papers. The Estate and Thomas agree to this request.



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Accordingly, on behalf of the Estate and Thomas, I respectfully request that the Court extend the deadline for the parties' opposition papers to March 4, 2020, and the deadline for the Morgan Parties' reply papers, if any, to March 18.

Respectfully,

A handwritten signature in blue ink that reads "Edward P. Boyle".

cc: All Counsel of Record (by ECF)